

ORGANIC LAW.

	Section	Section
Boundaries.....	1,2	Reservation of school lands..... 81
Executive.....	3-10	Public lands 89-96
Legislative.....	11-25	Restrictions upon holding of real estate 97-100
Judiciary.....	26-51	Indians..... 101-109
Seat of government.....	52	Public indebtedness..... 110-112
Delegate in congress.....	53,54	Private corporations and associations 113-123
Offices and officers.....	55-71	Militia..... 124-121
Elections.....	72-74	Marriage, crimes against the marriage relation, etc..... 129-131
Educational.....	75-77	
Experimental station.....	78-87	United States prisons..... 134-131

Boundaries.

Section.	Section.
1. Boundaries of Dakota.	2. Northern boundary of Nebraska extender so as to include a portion of Dakota

Boundaries Of
Dakota
Section 1900
R. S. of U. S.
1874

§ [1.] All that part of the territory of the United States in-
cluded within the following limits, namely: Commencing at a point
in the main channel of the Red River of the North, where the forty-
ninth degree of north latitude crosses the same; thence up the main
channel of the same and along the boundary of the state of Minnesota
to Big Stone lake; thence along the boundary line of the state of
Minnesota to the Iowa line; thence along the boundary line of tile
state of Iowa to tile point of intersection between the Big Sioux and
Missouri rivers; thence up the Missouri river and along the boundary
line of the state of Nebraska to the mouth of the Niobrara or Running
Water river; thence following up the same, in the middle of the main
channel thereof, to the mouth of the Keya Paha or Turtle Hill river;
thence up that river to the forty-third parallel of north latitude; thence
due west to the twenty-seventh meridian of - longitude west from
Washington; thence due north on that meridian tc the forty-ninth
degree of north latitude; thence east on the forty-ninth degree of north
latitude to the place of beginning, ie organized into a temporary
government by the name of the Territory of Dakota.

Northern boundary of Ne
braska extended'
so as to include
a portion of
Dakota.
Act of congress
approved March
28,1882

§ [2.] The . northern boundary of the state of Nebraska shall be,
and hereby is, subject to the provisions hereinafter contained, extended
so as to include all that portion of the territory of Dakota lying south of
the forty-third parallel of north latitude and east of theKeya Paha river
and west of the main channel of the Missouri river and when the Indian
title to the lands thus describes shall be extinguished, the jurisdiction
over said land shall be, and hereby is, ceded to the state of Nebraska, and
subject to all the conditions and limitations provided in the act of congress
admitting Nebraska into the union, and the northern boundary of the state shall
be extended to said forty-third parallel as fully and effectually as if said lands
had been included in the boundaries of said state at the time of its admission into
the union; reserving to tile United States tile original right of soil in said lands,
and of disposing of the same; Provided, That this act, so far as jurisdiction is
concerned, shall not take effect until the president shall by proclamation declare
that the Indian title to said lands has been extinguished, nor shall it take effect
until the state of Nebraska shall have assented to the provisions of this act, and if
the state of Nebraska, shall not, by an act of its

ORGANIC LAW.

legislature, consent to the provisions of this act, within two years next after the passage hereof, this act shall cease and be of no effect.

Executive.

Section.

3. Executive power vested in governor.

4. Veto power.

5. Secretary of territory.

6. Duties of secretary.

7. Secretary to furnish estimate of expenses.

Section.

8. Secretary to furnish surveyor - general
with acts of legislature incorporating
cities and towns.

9. Salaries of governor and secretary.

10. Contingent expenses of governor's office.

Executive

power.

Section 1841.

R. S. U. S. 1874.

§ [3.] The executive power of each territory shall be vested in a governor, who shall hold his office for four years and until his successor is appointed and qualified, unless sooner removed by the president. He shall reside in the territory for which he is appointed, and shall be commander-in-chief of the militia thereof. He may grant pardons and reprieves, and remit fines and forfeitures for offenses against the laws of the territory for which he is appointed, and respites for offenses against the laws of the United States, till the decision of the president can be made known thereon. He shall commission all officers who are appointed under the laws of such territory, and shall take care that the laws thereof be faithfully executed.

Veto power.

Section 1842,

R. S. U. S. 1874.

§ [4.] Every bill which has passed the legislative assembly of any territory shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it originated, and that house shall enter the objections at large on its journal and proceed to reconsider. If, after such reconsideration, two-thirds of that house agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered upon the journal of each house. If any bill is not returned by the governor within three days, Sundays excluded, after it has been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislative assembly, by adjournment sine die, prevent its return, in which case it shall not be a law.

Secretary of

reside

territory.

Section 1843,

R. S. U. S. 1874.

[5.] There shall be appointed a secretary for each territory, who shall within the territory for which he is appointed, and shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the president. In case of the death, removal, resignation or absence of the governor from the territory, the secretary shall execute all the powers and perform all the duties of governor during such vacancy or absence, or until another governor is appointed and qualified.

Duties of

secretary

Section 1844,

R. S. U. S. 1874

[6] The secretary shall record and preserve all the laws and proceedings of the legislative assembly, and all the acts and proceedings of the governor in the executive department; he shall transmit one copy of the laws and journals of the legislative assembly within thirty days after the end of each session thereof, to the president, and two copies of the laws within like time, to the president of the senate and to the speaker of the house of representatives, for the use of congress. He shall transmit one copy of the executive proceedings and official

ORGANIC LAW.

correspondence semi-annually, on the first day of January and July in each year, to the president. He shall prepare the acts passed by the legislative assembly for publication and furnish a copy thereof to the public printer of the territory, within ten days after the passage of each act.

Secretary to
furnish estimate
of expenses.
Part of act of
congress ap-
proved June 20,

§ [7.] And hereafter it shall be the duty of the secretary of each territory to furnish estimates in detail for the lawful expenses thereof, to be presented to the secretary of the treasury on or before the first day of October of every year.

[8.1 And it shall be the duty of the secretary of each of the territories of the United States to furnish the surveyor general of the territory for the use of the United States, a copy duly certified of every act of the legislature of the territory, incorporating any city or town, the same to be forwarded by such secretary to the -surveyor-general within one month from the date of its approval.

Secretary to
furnish survey
or-general with
acts of the legis-
lature incorpor-
ating cities and
towns.
Part of act of
congress
approved March
3, 1877.

[9.] From and after the first day of July, eighteen hundred and seventy-three, the annual salaries of the governors of the several territories shall be three thousand five hundred dollars, and the salaries of the secretaries shall be two thousand five hundred dollars each.

[10.] There shall be appropriated annually one thousand dollars, to be expended by the respective governors, to defray the contingent expenses of New Mexico, Utah. Colorado, Dakota, Arizona, Idaho, Montana and Wyoming, including the salary of the clerk in the executive departments of those territories.

Legislative.

Salaries of
governor and
secretary.
Section 1845,
R. S. U. S. 1874.

Appropriation
for contingent
expenses.
Section 1935,
R. S. U. S. 1874.

Section.
11. Legislative power, etc.
12. Extent of legislative power.
13. Further restrictions upon legislative
power.
14. Limit of time of session of legislature.
15. Extra sessions of legislature.
16. Number of members of council and
house-Compensation.
17. Council and representative districts.
18. Subordinate officers-Compensation.

Section.
19. Mileage of members.
20. Members of legislature prohibited from
holding certain offices.
21. Prohibition of extra compensation to
certain officers.
22. Accounts of territories.
23. Expenses for printing laws, etc.
24. Limitation on expenses of legislature.
25. Legislature shall not pass local or special
laws in certain cases.

Legislative
Section 1846,
R. S. U. S. 1874.

§ [11.] The legislative power in each territory shall be vested in the council and house of representatives. The members of both branches of the legislative assembly shall have the qualifications of voters as herein prescribed. They shall be chosen for the term of two years, and the sessions of the respected legislative assemblies shall be biennial. Each legislative assembly shall fix by law the day of commencement of its regular session. The members of the council and house of representatives shall reside in the district or county for which they are respectively elected.

Extent of
power.
Section 1851,
R. s. U. S. 1874.

[12.] The legislative power of every territory shall extend to .all rightful subjects of legislation not inconsistent with the con. titution and laws of the United States. But no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States, nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents.

Restrictions up-
on legislative power.

Section 1925,
R. S. U. S. 1874.

[13.] In addition to the restrictions upon the legislative power of the territories, contained in the preceding chapter, section eighteen hundred and fifty-one, the legislative assemblies of Colorado, Dakota and Wyoming shall not pass any law impair.

ORGANIC LAW.

Limit of time of sessions of	ing the rights of private property, nor make any discrimination in taxing different kinds of property; but all property subject to taxation shall be taxed in proportion to its value.
legislature	§ [14.] The sessions of the legislative assemblies of the several territories of the United States shall be limited to sixty days' duration.
Act of congress approved Dec 23,1880	§ [15.1 Hereafter no extraordinary session of the legislature of any territory, wherever the same is now authorized by law, shall be called until the reasons for the same have been presented to the president of the United States, and his approval thereof has been duly given.
Extra session of legislature cannot be held unless approved by the president.	§ [16.] The legislature of the territory of Dakota shall hereafter consist of twenty-four members of the council and forty-eight members of the house of representatives, and that there shall be elected at the next general election in said territory two members of the council and four members of the house of
Part of act of Congress approved June 22, 1874	representatives, in each of the twelve legislative districts provided for in chapter seven of the territorial statutes of eighteen hundred and eightythree of said territory. And the members of each branch of the said several legislatures shall receive a compensation of four dollars per day each during the sessions provided by law, and shall receive such mileage as the law provides; and the president of the council and the speaker of the house of representatives shall each receive six dollars per day for the same time.
Number of members of council and house-Compensation	§ [17.] And the legislature of Dakota may divide said territory into as many council and representative districts as they desire, which districts shall be as nearly equal as practicable, taking into consideration population (except Indians not taxed; Provided, that the number of council districts shall not exceed twenty-four, and the number of representative districts shall not exceed fortyeight.
Act of congress approved June 12, 1884.	§ [18.] That the subordinate officers of each branch of said territorial legislatures shall consist of one chief clerk, who shall receive a compensation of six dollars per day; one enrolling and engrossing clerk at five dollars per day; sergeant-at-arms and doorkeeper at five dollars per day; one messenger and watchman at four dollars per day each; and one chaplain at one dollar and fifty cents per day. Said sums shall be paid only during the sessions of said legislatures, and no greater number of officers or charges per diem shall be paid or allowed by the United States to any territory.
Part of act of congress approved June 19, 1878.	§ [19.] The members of the legislative assemblies of New Mexico, Utah, Washington, Colorado, Dakota, Arizona, and Wyoming territories shall each receive three dollars for every twenty miles' travel in going to and returning from the sessions of their respective bodies, estimated according to the nearest usually traveled route.
Council and representative districts	§ [20.] No member of the legislative assembly of any territory now organized, shall hold or be appointed to any office which has been created, or the salary or emoluments of which have been increased while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first legislative assembly in any territory hereafter organized; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly or shall hold any office under the government of any
Part of act of congress approved March 3, 1885.	
Subordinate officers of legislature and compensation	
Part of act of congress approved June 19,1878	
Mileage of members of legislature.	
Section 1492 R. S. U. S.	

ORGANIC LAW.

Prohibition of extra compensation to certain officers.

Section 1855,

R. S. U. S. 1874,

as amended.

territory. The exception of postmasters shall not apply in the territory of Washington.

[21.] No law of any territorial legislature shall be made or enforced by which the governor or secretary of a territory, or the members or officers of any territorial legislature, are paid any compensation other than that provided by the laws of the United States; provided, that for the performance of all official duties imposed by the territorial legislatures and not provided for in the organic act, the secretaries of the territories respectively shall be allowed such fees as may be fixed by the territorial legislatures. And in no case shall the expenditure for public printing in any of the territories exceed the sum of two thousand five hundred dollars for any one year.

Accounts of territories

Section 1886,

R. S. U. S. 1878.

§ [22.] All accounts for disbursements in the territories of the United States, of money appropriated by congress for the support of government therein, shall be settled and adjusted at the treasury department; and no act, resolution or order of the legislature of any territory, directing the expenditure of the sum, shall be deemed a sufficient authority for such disbursement, but sufficient vouchers and proof for the same shall be required by the accounting officers of the treasury. No payment shall be made or allowed unless the secretary of the treasury has estimated therefor and the object been approved by congress. No session of the legislature of a territory shall be held until the appropriation for its expenses has been made.

Expenses for printing laws, etc..

Section 1939,

R. S. U. S. 1874

§ [23.] There shall be appropriated respectively for the territories of New Mexico, Utah, Colorado, Dakota, Arizona, Wyoming annually a sufficient sum, to be expended by the secretary of each territory herein named, upon an estimate to be made by the secretary of the treasury, to defray the expenses of the legislative assembly and other incidental expenses; and the secretary of each territory above specified shall annually account to the secretary of the treasury for the manner in which such sum has been expended.

Limitation on expenses of legislature.

Section 1888,

R. S. U. S. 1874.

§ [24.] No legislative assembly of a territory shall in any instance, or under any pretext, exceed the amount appropriated by congress for its annual expenses.

Legislature shall not pass local or special laws in certain cases.

Section 1 of an act of congress approved July 30, 1836

§ [25.] The legislatures of the territories of the United States now or hereafter to be organized shall not pass local or special laws in any of the following enumerated cases, that is to say:

Granting divorces.

Changing the names of persons or places.

Laying out, opening, altering and working roads or highways.

Vacating roads, town plats, streets, alleys and public grounds. Locating or changing county seats.

Regulating county and township affairs.

Regulating the practice in courts of justice.

Regulating the jurisdiction and duties of justices of the peace, police magistrates and constables.

Providing for changes of venue in civil and criminal cases. Incorporating cities, towns or villages, or changing or amending the charter of any town, city or village.

For the punishment of crimes or misdemeanors.

For the assessment and collection of taxes for territorial, county, township or road purposes.

Summoning and empaneling grand or petit jurors.

Providing for the management of common schools

ORGANIC LAW.

Regulating the rate of interest on money.

The opening and conducting of any election or designating the place of voting.

The sale or mortgage of real estate belonging to minors or others under disability.

The protection of game or fish.

Chartering or licensing ferries or toll bridges.

Remitting fines, penalties or forfeitures.

Creating, increasing or decreasing fees, percentage or allowances of public officers during the term for which said officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association or individual the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever.

In all other cases where a general law can be made applicable, no special law shall be enacted in any of the territories of the United States by the territorial legislatures thereof.

Judicial power.

Section 1907,
R. S. U. S. 1874.

Writs of error to
United States supreme
Court

Section 1909,
R. S. U. S. 1874.

Appeal or writ of
error not allowed,
when.
Section 1 of an act
Of Congress approved
March 3, 1885.

Judiciary.

Section.

26. Judicial power.
27. Appeals to United States supreme court.
28. Appeals to United States supreme court limited.
29. When preceding section does not apply.
30. Appellate jurisdiction of United States supreme court over judgments of territorial court
31. Jurisdiction of territorial courts limited by law.
32. Appeals to territorial supreme court.
33. Chancery and common law jurisdiction.
34. Codes and rules of practice confirmed.
35. Jurisdiction of district courts in United States cases.
36. Assignment of judges.
37. Legislature may fix terms of court.
38. Supreme judges authorized to hold dis-

Section.

39. Supreme court, how constituted
40. Additional associate justices.
41. Six districts.
42. Counties composing fifth district.
43. Counties composing sixth district.
44. Additional justices assigned to fifth and sixth districts.
45. Fifth district court has no jurisdiction in
46. Sixth district court has jurisdiction in United States cases.
47. Trial of offenses committed before passage of act.
48. Suits transferred to new districts.
49. Jurisdiction of justices of the peace.
50. Same.
51. Constitution and laws of United States made applicable in all territories.

§ [26.] The judicial power in New Mexico, Utah, Washington, Colorado, Dakota, Idaho, Montana and Wyoming, shall be vested in a supreme court, district courts, probate courts, and in justices of the peace.

§ [27.] Writs of error and appeal from the final decisions of the supreme court of either of the territories of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana and Wyoming, shall be allowed to the supreme court of the United States, in the same manner, and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath of either party, or of other competent witnesses, exceeds one thousand dollars, except that a writ of error or appeal shall be allowed to the supreme court of the United States from the decision of the supreme courts created by this title, or of any judge thereof, or of the district courts created by this title, or of any judge thereof, upon writs of habeas corpus involving the question of personal freedom.

§ [28.] No appeal or writ of error shall hereafter be allowed from any judgment or decree in any suit at law or in equity in the supreme court of the District of Columbia, or in the supreme court of any of the territories of the United States, unless the

When preceding
section does not apply.

Section 2 of an act of
congress approved
March 3, 1885.

Appellate jurisdiction
of supreme court
of the United State
over judgments and
decrees of territorial courts.
Section 2 of an act of
congress approved
April 7, 1884

Jurisdiction
limited by Law
Section 1866
R. S. U. S. 1874.

Writs of error, bills
of exception and appeals.
Section 1869
R. S. U. S. 1874.

Chancery and Common
law jurisdiction.
Section 1868,
R. S. U. S. 1874

Codes and rules of
practice confirmed.
Section 1 of an act of
congress approved April
7 1874.

Jurisdiction of district
courts in United States cases.
Section 1910,
R. S. U. S. 1874.

matter in dispute, exclusive of costs, shall exceed the sum of five thousand dollars.

§ [29.] The preceding section shall not apply to any case wherein is involved the validity of any patent or copyright, or in which is drawn in question the validity of a treaty or statute - of, or an authority exercised under the United States; but in all such cases an appeal or writ of error may be brought without regard to the sum or value in dispute.

§ [30.] The appellate jurisdiction of the supreme court of the United States over the judgments and decrees of said territorial courts in cases of trial by jury, shall be exercised by writ of error, and in all other cases by appeal according to such rules and regulations as to form and modes of proceedings as the said supreme court have prescribed or may hereafter prescribe; provided, that an appeal instead of the evidence at large, a statement of the facts of the case in the nature of a special verdict, and also the rulings of the court on the admission or rejection of evidence when excepted to, shall be made and certified by the court below, and transmitted to the supreme court, together with the transcript of the proceedings and judgment or decree; but no appellate proceedings in said supreme court heretofore taken upon any judgment or decree shall be invalidated by reason of being instituted by writ of error or by appeal; and provided further, that the appellate court may make any order in any case heretofore appealed, which may be necessary to save the rights of the parties, and that this act shall not apply to cases now pending in the supreme court of the United States, where the record has already been filed.

§ [31.] The jurisdiction, both appellate and original, of the courts provided for in sections 1907 and 1908, shall be limited by law.

§ [32.] Writs of error, bills of exception, and appeals shall be allowed, in all cases, from the final decisions of the district courts to the supreme court, of all the territories, respectively, under such regulation as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in that court.

§ [33.] The supreme court and district courts, respectively, of every territory, shall possess chancery as well as common law jurisdiction.

§ [34.] It shall not be necessary in any of the courts of the several territories of the United States to exercise separately the common law and chancery jurisdictions vested in said courts; and the several codes and rules of practice adopted in said territories respectively, in so far as they authorize a mingling of said jurisdictions or a uniform course of proceeding in all cases, whether legal or equitable, be confirmed; and that all proceedings heretofore had or taken in said courts in conformity with said respective codes and rules of practice, so far as relates to the form and mode of proceeding be, and the same are hereby validated and confirmed; provided, that no party has been or shall be deprived of the right of trial by jury in cases cognizable at common law.

§ [35.] Each of the district courts in the territories mentioned in the preceding section shall have and exercise the same jurisdiction in all cases arising under the constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the first six days of every term of the re

spective district courts, or so much thereof as is necessary, shall be appropriated to the trial of causes arising under such constitution and laws, but writs of error and appeals in all such cases may be had to the supreme court of each territory, as in other cases.

Assignment of judges.
Section 1918,
R. S. U. S. 1874.

[By subsequent enactment, the courts of the fourth and fifth districts were deprived of jurisdiction in United States cases.]

§ '36.] The legislative assemblies of New Mexico, Washington, Colorado, Dakota, Arizona and Wyoming territories may assign the judges appointed for such territories, respectively, to the several judicial districts thereof, in such manner as each legislative assembly deems proper and convenient.

Legislature may fix
terms of court.
Section 1919,
R. S. U. S. 1874.

[37.1 The legislative assemblies of Colorado, Dakota and Wyoming territories may fix or alter the times and places of holding the district courts for such territories, respectively, in such manner as such legislative assembly deems proper and convenient.

Supreme judges
authorized to hold
Section 1879, district courts.
R. S. U. S. 1874

§ [38.] The judges of the supreme court of each territory are authorized to hold court within their respective districts, in the counties wherein, by the laws of the territory, courts have been or may be established, for the purpose of hearing and determining all matters and causes, except those in which the United States is a party; but the expense of holding such courts shall be paid by the territory or by the counties in which the courts are held, and the United States shall in no case be chargeable therewith.

Supreme court.
Act of congress
approved July 4, 1884.
Additional associate justices.
Act of congress
approved July 4, 1884.
Six judicial district.
Act of congress
approved July 4, 1884.

[39.] Hereafter the supreme court of the territory of Dakota shall consist of a chief justice and five associate justices, any five of whom shall constitute a quorum.

§ [40.] It shall be the duty of the president to appoint two additional associate justices of said supreme court, in a manner now provided by law, who shall hold their office for the term of four years, and until their successors are appointed and qualified.

§ [41.] The said territory shall be divided into six judicial districts, and a district court shall be held in each district by one of the justices of the supreme court, at such time and place as may be prescribed by law. Each judge, after assignment, shall reside in the district to which he is assigned.

Counties composing the
fifth judicial district.
Act of congress
approved July 4, 1881.

§ [42.1 Until changed by the legislative assembly of said territory, the fifth district of said territory shall consist of the following counties, namely: Brookings, Kingsbury, Beadle, Deuel, Hamlin, Grant, Codington, Clark, Day, Spink, Brown, Hand, Hyde, Hughes, Sully, Edmunds, Faulk, McPherson, Potter, Campbell, Roberts and Walworth, and the Sisseton and Wahpeton Indian reservation. And the second district and fourth district, shall consist of the remainder of the territory which now constitutes said second district and the fourth district, respectively, as defined by the statutes of said territory.

Counties composing the
sixth judicial district
Act of congress approved
July 4, 1884.

[43.] Until changed by the legislature of said territory, the sixth district shall consist of the following counties, namely: Bowman, Villard, Billings, Dunn, McKenzie, Allred, Buford, Flannery, Wallace, Mountrail, Williams, Stark, Hettinger, Morton, Mercer, McLean, Stevens, Renville, Wynn, Bottineau, McHenry, Sheridan, Burleigh, Emmons, McIntosh, Logan, Kidder, Wells, DeSmet, Rolette, Towner, Benson, Foster, Stutsman, LaMoure, Dickey, Griggs, Steele and Barnes.

ORGANIC LAW

Additional associate justices assigned to fifth and sixth districts Act of congress approved July 4, 1884. [44.] Temporarily, and until otherwise ordered by law, the additional associate justices to be appointed under this act are hereby assigned to said fifth and sixth districts, and the time and place as now fixed by the statutes of said territory for holding court therein shall remain until changed by law.

Jurisdiction of district court of fifth district. Act of congress Approved July 4, 1884. § [45.] The district court for said fifth judicial district shall have no jurisdiction to try, hear or determine any matter of cause wherein the United States is a party, and no United States grand or petit jury shall be summoned in said court, but said fifth district in hereby attached to and made a part of the second judicial district for the purpose of hearing and determining all matters and causes arising within said fifth district in which the United States is a party.

Jurisdiction of district court of sixth district Section 8 of an act of congress Approved July 4 1884. [46.] The district court for said sixth judicial district shall have and possess jurisdiction to try, hear and determine all matters and causes that the court of any district in said territory now possesses. And for such purposes two terms of said court shall be held annually in the city of Bismarck, in the county of Burleigh, and a grand and petit jury shall be summoned thereon in the manner now required by law in the United States courts in said territory.

offenses committed before passage of this act. Section 14 of an act of congress approved July 4, 1884. § [47.] All offenses committed before the passage of this act shall be prosecuted, tried and determined in the same manner and with the same effect (except as to number of judges) as if this act had not been passed.

Suits transferred to New districts* Part of an act of congress approved March 3, 1885. § [48.] And all suits or proceedings pending in the district courts of Dakota and Washington territories at the time of the passage of said act [July 4, 1884], and which would, if instituted after the passage of said act, be required to be brought in the new districts created and provided for in said act, may be transferred by consent of parties to said new district courts, and there disposed of in like manner and with like effect as if the same had there been instituted; and all writs and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the courts of the said new districts, respectively, in the same manner and with like effect as if they had issued or had been taken in reference thereto originally.

Jurisdiction of justices of the peace. Section 1867, R. S. U. S. 1874. §[49.] No justices of the peace in any territory shall have jurisdiction of any case in which the title to land, or the boundary thereof, in anywise comes in question.

Same. Section 1926, R. S. U. S. 1874 § [50.] Justices of the peace in the territories of New Mexico, Utah, Washington, Dakota, - Idaho, Montana, and Wyoming shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds one hundred dollars.

Constitution and laws of the United States made applicable to all territories. Section 1891 R. S. U. S. 1874. § [51.] The constitution and all laws of the United States which are not locally inapplicable, shall have the same force and effect within all the organized territories, and in every territory hereafter organized, as elsewhere within the United States.

Seat of Government.

Same. Section 1926, R. S. U. S. 1874 Section. 52. Seat of government, how changed.

Constitution and laws of the United States made applicable to all territories. Section 1891 R. S. U. S. 1874. § [52.1 The seat of government of the territories of New Mexico, Utah, Washington, Colorado, Dakota, Arizona and Wyoming may be changed by the governors and legislative assemblies thereof, respectively .

Seat of government, - how changed. Section 1944, R. S. U. S. 1874.

ORGANIC LAW.
Delegate in Congress.

Delegate to
congress

Section.

53. Each territory elects delegate.

Section.

54. Time, place and manner of electing delegate.

Section 1862,
R. S. U. S. 1874.

Time, place and
manner of electing
delegate

Section 1863,
R. S. U. S. 1574.

[53.] Every territory shall have the right to send a delegate to the house of representatives of the United States, to serve during each congress, who shall be elected by the voters in the territory qualified to elect members of the legislative assembly thereof. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such delegate shall have a seat in the house of representatives, with the right of debating, but not of voting.

§ [54.] The first election of a delegate in any territory for which a temporary government is hereafter provided by congress, shall be held at the time and places, and in the manner the governor of such territory may direct, after at least sixty days' notice, to be given by proclamation; but at all subsequent elections therein, as well as at all elections for ' a delegate in organized territories, such time, places and manner of holding the election, shall be prescribed by the law of each territory.

Offices and Officers.

Section.

55. Appointment of governor, etc.
56. Oath of office, how administered.
57. United States district attorney.
58. United States marshal.
59. Clerk of supreme court,
60. Clerk of district court.
61. Officers, how elected or appointed.
62. Vacancies, how filled.
63. Justices of the peace and general
militia officers to be elected.

Section.

64. Vacancy in office of justice of peace.
65. Salary of supreme justices.
66. Salary of United States district attorney.
67. Salary of United States marshal.
68. Fees of attorneys, marshals, clerks, etc.,
in United States cases.
69. Payment of salaries-Oath to be administered in territory.
70. Salaries not to be paid when officer
71. Salaries paid quarterly.

Appointment of
governor, etc.
Section 1877.
R. S. U. S. 18.74.
Oath of office,
how administered.
Section 1878,
R. S. U. S. 1874

[55.] The governor, secretary, chief justice and associate justices, attorney and marshal of every territory shall be nominated, and by and with the advice and consent of the senate, appointed by the president.

[56.] The governor and secretary for each territory shall, before they act as such, respectively take an oath before the district judge or some justice of the peace in the limits of the territory for which they are appointed, duly authorized to administer oaths by the laws in force therein, or before the chief justice or some associate justice of the supreme court of the United States, to support the constitution of the United States and faithfully discharge the duties of their respective offices; and such oaths shall be certified by the person before whom the same are taken, and such certificates shall be received and recorded by the secretary among the executive proceedings; and the chief justice and associate justices and all other civil officers appointed for any territory, before they act as such, shall take a like oath before the governor or secretary or some judge or justice of the peace of the territory, who may be duly commissioned and qualified, and such oath shall be certified and transmitted by the person taking the same, to the secretary, to be by him recorded as above directed; but after the first qualification of the officers herein specified in the case of a new territory, as well as in all organized territories, the like oath shall be taken, certified and recorded in such a manner and form as may be prescribed by the law of each territory.

ORGANIC LAW.

United States
district attorney.
Section 1875,
R. S. U. S. 1871.

[57.] There shall be appointed in each territory a person learned in the law to act as attorney for the United States. He shall continue in office for four years and until his successor is appointed and qualified, unless sooner removed by the president.

United States
Marshal
Section 1876,
R. S. U. S. 1874.
Clerk of supreme
court.
Section 1870,
R. S. U. S. 1874.

§ [58.] There shall be appointed a marshal for each territory. He shall execute all process issuing from the territorial courts when exercising their jurisdiction as circuit and district courts of the United States. He shall have the power and perform the duties and be subject to the regulations and penalties imposed by law on the marshals for the several judicial districts of the United States. He shall hold his office for four years and until his successor is appointed and qualified, unless sooner removed by the president.

§ [59.] The supreme court of each territory shall appoint its own clerk; who shall hold his office at the pleasure of the court for which he is appointed.

Clerk of district
court.
Section 1871,
R. S. U. S. 1874.

Township, district
and county officers,
and general officers
of the militia, how
elected or appointed.
Section 1857,
R. S. U. S. 1874

[60.] Each judge of the supreme court of the respective territories shall designate and appoint one person as clerk of the district over which he presides, where one is not already appointed, and shall designate and retain but one such clerk where more than one is already appointed, and only such district clerk shall be entitled to a compensation from the United States.

§ [61.] All township, district and county officers, except justices of the peace and general officers of the militia, shall be appointed or elected in such a manner as may be provided by the governor and legislative assembly of each territory; and all other officers not herein otherwise provided for, the governor shall nominate, and by and with the advice and consent of the legislative council of each territory, shall appoint; but in the first instance where a new territory is hereafter created by congress, the governor alone of may appoint all the officers referred to in this and the preceding section, and assign them to their respective townships, districts and counties, and the officers so appointed shall hold their offices until the end of the first session of the legislative assembly.

Vacancies, how filled.
Section 1858.
R. S. U. S. 1874.

Election of justices
of the peace and
mili tia officers.
Section 1856,
S. U. S. 1874.

[62.] In any of the territories, whenever a vacancy happens from resignation or death during the recess of the legislative council, in any office which under the organic act of any territory is to be filled by appointment of the governor, by and with the advice and consent of the council, the governor shall fill such vacancy by granting a commission, which shall expire at the end of the next session of the legislative council.

[63.] Justices of the peace and all general officers of the militia in the several territories shall be elected by the people in such a manner as the respective legislatures may provide by law.

Vacancy in office
of justice of the peace.
Act of congress
approved April 16, 1880.

[64.] When from any cause there shall be a vacancy in the office of justice of R. the peace in any of the territories of the United States, it shall be lawful to fill such vacancy by appointment or election, in such manner as has been or may be provided by the governor and legislative assembly of such territory provided, that such appointee or person elected to fill such vacancy shall hold office only until his successor shall be regularly elected and qualified as provided by law.

Salary of chief justice
and associate justices
Section 1879,
R. S. U. S. 1871.

§ [65.] The annual salary of the chief justice and associate justices of all the territories now organized shall be three thou. sand dollars each.

Salary of United States district attorney
Section 1880,
R. S. U. S. 1874
Salary of United States marshal.
Section 1881,
R. S. U. S. 1874
Fees of clerks, etc.
Section 1883
R. S. U. S. 1874

Payment of salaries-Oath to be administered in territory.
Part of an act of congress approved May 1, 1876.
Salary not to be paid when officer absent.
Section 1884,
R. S. U. S. 1874

Salaries paid quarter-yearly
Section 1882,
R. S. U. S. 1874

Time and place of holding elections.
Section 1848,
R. S. U. S. 1874

Qualifications of voting and holding office at first election
Section 1859,
R. S. U. S. 1874.

At future elections.
Section 1860,
R. S. U. S. 1874.

ORGANIC LAW.

[66.] The salary of the attorney of the United States for each territory shall be at the rate of two hundred and fifty dollars annually. § [67.] The salary of the marshal of the United States for each territory shall be at the rate of two hundred dollars a year.

[68.] The fees and costs to be allowed to the United States attorneys and marshals, to the clerks of the supreme and district courts, and to jurors, witnesses, commissioners and printers in the territories of the United States shall be the same for similar services by such persons as prescribed in chapter 16, title "The Judiciary," and no other compensation shall be taxed or allowed.

[69.] Hereafter payment of salaries of all officers of the territories of the United States, appointed by the president, shall commence only when the person appointed to any such office shall take the proper oath and shall enter upon the duties of such office in such territory. And said oath shall hereafter be administered in the territory in which such office is held.

[70.] When any officer of a territory is absent therefrom and from the duties of his office, no salary shall be paid him during the year in which such absence occurs, unless good cause therefor be shown to the president, who shall officially certify his opinion of such cause to the proper accounting officer of the treasury, to be filed in his office.

[71.] The salaries provided for in this title, to be paid to the the governor, secretary, chief justices and associate justices, district attorney and marshal of the several territories, shall be paid quarter-yearly at the treasury of the United States.

Elections.

Section.	Section.
72. Time and place of holding elections.	74. At future elections, etc.
73. Qualifications of voting and holding office at first election.	

[72.1 After such first election, however, the time, place and manner of holding elections by the people in any newly created territory, as well as of holding all such elections in territories now organized, shall be prescribed by the laws of each territory.

[73.] Every male citizen above the age of twenty-one, including persons who have legally declared their intention to become citizens, in any territory hereafter organized, and who are actual residents of such territory at the time of the organization thereof, shall be entitled to vote at the first election in such territory and to hold any office therein, subject, nevertheless, to the limitations specified in the next section.

§ [74.] At all subsequent elections, however, in any territory hereafter organized by congress, as well as at all elections in territories already organized, the qualifications of voters and of holding office shall be such as may be prescribed by the legislative assembly of each territory; subject, nevertheless, to the following restrictions on the power of the legislative assembly, namely

First. The right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and by those above that age who have declared on oath, before a competent court of record, their intention to become such, and have taken an oath to support the constitution and government of the United States.

Effect of alcoholic
drinks and
narcotics to be
taught in
schools.

Section 1 of an
act of congress
approved May
20, 1886.

Duty of school
officers
Sec. 2 of an act
of congress appro-
ved May 20, 1886,

Qualifications of
teachers.
Section 3 of an
act of congress
approved May
20, 1886.

Experimental
stations.
Section 1 of an
act of congress
approved March
2, 1887.

ORGANIC LAW.

Second. There shall be no denial of the elective franchise, or of holding office, to a citizen on account of race, color or previous condition of servitude.

Third. No officer, soldier, seaman, mariner or other person in the army or navy, or attached to troops in the service of the United States, shall be allowed to vote in any territory by reason of being on service therein, unless such territory has been for the period of six months his permanent domicile.

Fourth. No person belonging to the army or navy shall be elected to or hold any civil office or appointment in any territory.

Educational.

Section.

75. Effect of alcoholic drinks and narcotics to be taught in schools.

§ [75.] The nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in the common or public schools, and in the military and naval schools, and shall be studied and taught as thoroughly and in the same manner as other like required branches are in said schools, by the use of text-books in the hands of pupils where other branches are thus studied in said schools, and by all pupils in all said schools throughout the territories in the military and naval academies of the United States and in the District of Columbia and in all Indian and colored schools in the territories of the United States.

[76.] It shall be the duty of the proper officers in control of any school described in the foregoing section to enforce the provisions of this act; and any such officer, school director, committee, superintendent, or teacher who shall refuse or neglect to comply with the requirements of this act or shall neglect or fail to make proper provisions for the instruction required and in the manner specified by the first section of this act, for all pupils in each and every school under his jurisdiction, shall be removed from office and the vacancy filled as in other cases.

§ [77.] No certificate shall be granted to any person to teach in the public schools of the District of Columbia or territories, after the first day of January, anno Domini eighteen hundred and eighty-eight, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the nature and effects of alcoholic drinks and other narcotics upon the human system.

Experimental Station.

Section.

78. Experimental station.
79. Object of.
80. Duty of United States commissioner of agriculture, etc.
81. Bulletins to be published, etc.
82. Annual appropriation.
83. Secretary of treasury to deduct unexpended annual appropriation, when.

Section.

84. Construction of act.
85. Benefits may be applied to other experimental station, when.
86. Grant of monies authorized, subject to legislative assent.
87. Congress may amend or repeal law.

[78.] In order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture and to promote scientific investigation and experiment respecting the principles and application of agricultural science, there shall be established, under direction of the college or colleges or agricultural department

Object of experimental Stations.

Section 2 of an act of congress approved March 2, 1887.

Duty of United States commissioner of agriculture

Duty of station

Section 3 of an act of congress approved March 2, 1887.

Bulletins to be published, etc.
Section 4 of an act of congress approved March 2, 1887

Annual appropriation.
Section 5 of an act of congress approved March 2, 1887.

ORGANIC LAW.

of colleges in each state or territory established, or which may hereafter be established, in accordance with the provisions of an act approved July second, eighteen hundred and sixty-two, entitled, "an act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," or any of the supplements to said act, a department to be known and designated as an agricultural experiment station;" provided, that in any state or territory in which two such colleges have been or may be so established, the appropriation hereinafter made to such state or territory shall be equally divided between such colleges, unless the legislature of such state or territory shall otherwise direct.

§ [79.] It shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective states or territories.

§ [80.] In order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States commissioner of agriculture to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this act. It shall be the duty of each of said stations, annually, on or before the first day of February, to make to the governor of the state or territory in which it is located, a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said commissioner of agriculture, and to the secretary of the treasury of the United States.

[81.] Bulletins or reports of progress shall be published at said stations at least once in three months, one copy of which shall be sent to each newspaper in the states or territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the postmaster-general may from time to time prescribe.

[82] For the purpose of paying the necessary expenses of conducting investigations and experiments and printing and distributing the results as hereinbefore prescribed, the sum of fifteen thousand dollars per annum is hereby appropriated to,

treasury to deduct
unexpended annual
appropriation
when.

Section 6 of an
act of congress
approved March 2,
1887.

Act how construed.

Section 7 of an
act of congress
approved March
2, 1887.

Benefits may be
applied to other
experiment Stations
when.

Section 8 of an act
of congress
approved March 1,
1887.

Grant of moneys
authorized sub-
ject to legislative
assent

section 9 of an
act of congress
approved March 2,
1887.

Congress may
amend or repeal act

Section 10 of an act of
congress approved
March 2, 1887

each state, to be specially provided for by congress in the appropriations from year to year, and to each territory entitled under the provisions of section eight of this act, out of any money in the treasury proceeding from the sales of public lands, to be paid in equal quarterly payments, on the first day of January, April, July and October in each year, to the treasurer or other officer duly appointed by the governing boards of said colleges to receive the same, the first payment to be made on the first day of October, eighteen hundred and eighty-seven; provided, however, that out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding five per centum of such annual appropriation may be so expended.

§ [83.] Whenever it shall appear to the secretary of the treasury from the annual statement of receipts and expenditures of any of said stations that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

§ [84.] Nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the states or territories in which they are respectively located.

[85.] In states having colleges entitled under this section to the benefits of this act and having also agricultural experiment stations established by law separate from said colleges, such states shall be authorized to apply such benefits to experiments at stations so established by such states; and in case any state shall have established under the provisions of said act of July second aforesaid, an agricultural department or experimental station, in connection with any university, college or institution not distinctively an agricultural college or school, and such state shall have established or shall hereafter establish a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the legislature of such state may apply in whole or in part the appropriation by this act made, to such separate agricultural college, or school, and no legislature shall by contract express or implied disable itself from so doing.

[86.] The grants of moneys authorized by this act are made subject to the legislative assent of the several states and territories to the purposes of said grants; provided, that payment of such installments of the appropriation herein made as shall become due to any state before the adjournment of the regular session of its legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof duly certified to the secretary of the treasury.

§ [87.] Nothing in this act shall be held or construed as binding the United States to continue any payments from the treasury to any or all the states or institutions mentioned in this act, but congress may at any time amend, suspend or repeal any or all the provisions of this act.

ORGANIC LAW.

Reservation of School Lands.

Section .

88. Two sections in each township,

School lands.

Section 1946,

R. S. U. S. 1874.

§ [88.] Sections numbered sixteen and thirty-six in each township of the territories of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana and Wyoming shall be reserved for the purpose of being applied to schools in the several territories herein named, and in the states and territories hereafter to be erected out of the same.

Inclosures of public lands prohibited.

Section 1 of act of congress approved Feb. 25, 1885.

Public Lands.

Section

- 89. Inclosure of public lands prohibited.
- 90. Duty of United States district attorney.
- 91. Obstructing settlement upon public lands.
- 92. Penalty.
- 93. Power of president to remove unlawful in-closure.

Section.

- 94. No suit shall be brought, when.
- 95. Act not to effect pending suit.
- 96. Exportation of timber cut in public lauds prohibited.

§ [89.] All inclosures of any public lands in any state or territory of the United States, heretofore or to be hereafter made, erected or constructed by any person, party, association or corporation, to any of which land included within the inclosure the person, party, association or corporation making or controlling the inclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim, made in good faith with a view to entry thereof at the proper land office under the general laws of the United States, at the time any such inclosure was or shall be made, are hereby declared to be unlawful, and the maintenance, erection, construction or control of any such inclosure is hereby forbidden and prohibited; and the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States, in any state or any of the territories of the United States, without claim, color of title or asserted right as above specified as to inclosure, is likewise declared unlawful and hereby prohibited.

Duty of United States district attorney.

Section 2 of an -ved Feb. 25, 1885.

[90.] It shall be the duty of the district attorney of the United States for the proper district, on affidavit filed with him by any citizen of the United States that section one of this act is being violated, showing a description of the land inclosed with reasonable certainty, not necessarily by metes and bounds, nor by governmental subdivisions of surveyed lands, but only so that the inclosure may be identified, and the persons guilty of the violation, as nearly as may be, and by description if the name cannot on reasonably inquiry be ascertained, to institute a civil suit in the proper United States district or circuit court, or territorial district court, in the name of the United States, and against the parties named or described who shall be in charge of or controlling the inclosure complained of, as defendants; and jurisdiction is also hereby conferred on any United States district or circuit court or territorial district court having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this act; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employe having charge or control of the inclosure: and any suit brought under the provisions of this section shall have precedence for hearing and trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable time.

Obstructing settlement upon public lands.

Section 3 of an act of congress approved Feb. 25, 1885.

Penalty

Section 4 of an act of congress approved Feb. 25, 1883.

Authority of president to remove unlawful inclosure.

No suit shall be brought unless_

Act not to affect pending suits.

Exportation of timber cut on public lands prohibited.

Part of an act of congress approved April 30, 1878.

Unlawful for persons not citizens of the United States and certain corporations to acquire and hold real estate.

Section 1 of an act of congress approved March 3, 1887.

ORGANIC LAW.

licable day. In any case if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment or decree for the destruction of the inclosure in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court.

§ [91.] No person, by force, threats, intimidation or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands; provided, this section shall not be held to affect the right or title of persons who have gone upon, improved or occupied said lands under the land laws of the United States, claiming title thereto in good faith.

§ [92.] Any person violating any of the provisions hereof, whether as owner, part owner, agent, or who shall aid, abet, counsel, advise or assist in any violation hereof, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding one thousand dollars and be imprisoned not exceeding one year for each offense.

§ [93.1] The president is hereby authorized to take such measures as shall be necessary to remove and destroy any unlawful inclosure of any of said lands, and to employ civil or military force, as may be necessary for that purpose.

Section 5 of an act of congress approved Feb. 25, 1885.

[94.] Where the alleged unlawful inclosure includes less than one hundred and sixty acres of land, no suit shall be brought under the provisions of this act without authority from the secretary of the interior.

Section 6 of an act of congress approved Feb. 25, 1885.

§ [95.] Nothing herein shall affect any pending suits to work their discontinuance, but as to them hereafter they shall be prosecuted and determined under the provisions of this act.

Section 7 of an act of congress approved Feb. 25, 1885.

§ [96.] If any timber cut on the public lands shall be exported from the territories of the United States, it shall be liable to seizure by United States authority, wherever found.

Restrictions Upon Holding of Real Estate.

Section.

97. Unlawful for persons or certain, corporations to hold real estate.
98. When corporations cannot hold real estate.

Section.

99. What corporations cannot hold more than five thousand acres.
100. Property forfeited when unlawfully held.

§ [97.1] It shall be unlawful for any person or persons, not citizens of the United States, or who have not lawfully declared their intention to become such citizens, or for any corporation not created by or under the laws of the United States, or of some state or territory of the United States, to hereafter acquire, hold, or own real estate so hereafter acquired, or any interest therein, in any of the territories of the United States or in the District of Columbia, except such as may be acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts heretofore created; provided, that the prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries, which rights, so

When corporations cannot hold real estate.
Section 2 of an act of congress approved March 3, 1887.

What corporations cannot hold more than five thousand acres.
Section 3 of an act of congress approved March 3, 1887

Property forfeited when unlawfully held.
Section 4 of an act of congress approved March 3, 1887.

Indians.
Rights of Indians in person and property not impaired, boundaries, etc.
Section 1839
R. S. U. S. 1971.

Authority to regulate Indians
Section 1840,
R. S. U. S. 1874

Allotment of lands to Indians.
Section 1 of an act of congress approved Feb. 8 1887.

ORGANIC LAW.

far as they may exist by force of any such treaty, shall continue to exist so long as such treaties are in force, and no longer.

§ [98.] No corporation or association more than twenty per centum of the stock of which is or may be owned by any person or persons, corporation or corporations, association or associations, not citizens of the United States, shall hereafter acquire or hold or own any real estate hereafter acquired in any of the territories of the United States or of the District of Columbia.

§ [99.] No corporation other than those organized for the construction or operation of railways, canals, or turnpikes shall acquire, hold own more than five thousand acres of land in any of the territories of the United States; and no railroad, canal, or turnpike corporation shall hereafter acquire hold, or own lands in any territory, other than as may be necessary for the proper operation of its railroad, canal, or turnpike, except such lands as may have been granted to it by act of congress. But the prohibition of this section shall not affect the title to any lands now lawfully held by any such corporation.

[100.] All property acquired, held or owned in violation of the provisions of this act shall be forfeited to the United States, and it shall be the duty of the attorney-general to enforce every such forfeiture by bill in equity or other proper process. And in any suit or proceeding that may be commenced to enforce the provisions of this act, it shall be the duty of the court to determine the very right of the matter without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights either of the United States or of the parties concerned in any such proceeding arising out of the matters in this act mentioned.

- Section.*
- 101. Rights of Indians in person and property not impaired, etc
 - 102. Authority to regulate Indians.
 - 103.. Allotment of lands to Indians.
 - 104. Land, how and by whom selected.
 - 105. Allotments made by special agents.
 - 106. Local land office to make allotment,when.

- Section.*
- 107. Secretary of the interior to issue patents to allottees, etc.
 - 108. Indians to have benefit of, and be subject to laws, when.
 - 109. Jurisdiction of territorial courts over Indians committing certain crimes.

§[101.] Nothing in this title shall be construed to impair the rights of person or property pertaining to the Indians in any territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any state or territory; but all such territory shall be excepted out of the boundaries and constitute no part of any territory now or hereafter organized, until such tribe signifies its assent to the president to be embraced within a particular territory.

§ [102.] Nor shall anything in this title be construed to affect the authority of the United States to make any regulations respecting the Indians of any territory, their lands, property, or rights, by treaty, law or otherwise, in the same manner as might be if no temporary government existed or is hereafter established in any such territory.

§ [103.] In all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of congress or executive order setting apart the same for their

ORGANIC LAW.

use, the president of the United States be, and he hereby is, authorized, whenever in his opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to any Indian located thereon in quantities as follows:

To each head of a family, one-quarter of a section;

To each single person over eighteen years of age, one-eighth of a section;

To each orphan child under eighteen years of age, one-eighth of a section; and,

To each other single person under eighteen years now living, or who may be

Land, how and
by whom selected.
Section 2 of an
act of congress
approved Feb. 8,
1887.

born prior to the date of the order of the president directing an allotment of the lands embraced in any reservation, one-sixteenth of a section; provided, that in case there is not sufficient land in any of said reservations to allot lands to each individual of the classes above named in quantities as above provided, the lands embraced in such reservation or reservations shall be allotted to each individual of each of said classes pro rata in accordance with the provisions of this act; and provided further, that where the treaty or act of congress setting apart such reservation provides for the allotment of lands in severalty in quantities in excess of those herein provided, the president, in making allotments upon such reservation, shall allot the lands to each individual Indian belonging thereon in quantity as specified in such treaty or act; and provided further, that when the lands allotted are only valuable for grazing purposes, an additional allotment of such grazing lands, in quantities as above provided, shall be made to each individual.

Allotments made
by special agents
Section 3 of an
act of congress
approved Feb. 8,
1887.

[104.] All allotments set apart under the provisions of this act shall be selected by the Indians, heads of families selecting for their minor children, and the agents shall select for each orphan child, and in such manner as to embrace the improvements of the Indians making the selection. Where the improvements of two or more Indians have been made on the same legal subdivision of land, unless they shall otherwise agree, a provisional line may be run dividing said lands between them, and the amount to which each is entitled shall be equalized in the assignment of the remainder of the land to which they are entitled under this act; provided, that if any one entitled to an allotment shall fail to make a selection within four years after the president shall direct that allotments may be made on a particular reservation, the secretary of the interior may direct the agent of such tribe or band, if such there be, and if there be no agent, then a special agent appointed for that purpose, to make a selection for such Indian, which selection shall be allotted as in cases where selections are made by the Indians, and patents shall issue in like manner.

[105.] The allotments provided for in this act shall be made by special agents appointed by the president for such purpose, and the agents in charge of the respective reservations on which the allotments are directed to be made, under such rules and regulations as the secretary of the interior may from time to time prescribe, and shall be certified by such agents to the commissioner of Indian affairs, in duplicate, one copy to be retained in the Indian office and the other to be transmitted to the secretary of the interior for his action, and to be deposited in the general land office.

Local land office
to make allot
ment,when.

Section 4 of an
act of congress
approved Feb. 8,
1887.

Secretary of the
interior to Issue
patents to allottees.
Section 5 of an
act of congress
approved Feb. 8,

ORGANIC LAW.

[106.] Where any Indian not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, act, of congress, or executive order, shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office of the district in which the lands are located, to have the same allotted to him or, her, and to his or her children, in quantities and manner as provided in this act for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands, the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions as herein provided. And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands, shall be paid to them from any moneys in the treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the commissioner of the general land office, and a certification of such account to the secretary of the treasury by the secretary of the interior.

[107.] Upon the approval of the allotments provided for in this act by the secretary of the interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted for the period of twentyfive years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the state or territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; provided, that the president of the United States may in any case in his discretion extend the period. And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or, contract shall be absolutely null and void; provided, that the law of descent and partition in force in the state or territory where such lands are situate shall apply thereto after patents therefor have been executed and delivered, except as herein otherwise provided; and the laws of the state of Kansas regulating the descent and partition of real estate shall, so far as practicable, apply to all lands in the Indian Territory which may be allotted in severalty under the provisions of this act; and provided further, that at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner if in the opinion of the president it shall be for the best interests of said tribe, it shall be lawful for the secretary of the interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by congress, and the form and manner of executing such

ORGANIC LAW.

release shall also be prescribed by congress; provided however, that all lands adapted to agriculture, with or without irrigation, so sold or released to the United States by any Indian tribe shall be held by the United States for the sole purpose of securing homes to actual settlers, and shall be disposed of by the United States to actual and bona fide settlers only in tracts not exceeding one hundred and sixty acres to any one person, on such terms as congress shall prescribe, subject to grants which congress may make in aid of education; and provided further, that no patents shall issue therefor except to the person so taking the same as and for a homestead, or his heirs, and after the expiration of five years' occupancy thereof as such homestead; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void. And the sums agreed to be paid by the United States as purchase money for any portion of any such reservation shall be held in the treasury of the United States for the sole use of the tribe or tribes of Indians to whom such reservations belonged; and the same, with interest thereon at three per cent. per annum, shall be at all times subject to appropriation by congress for the education and civilization of such tribe or tribes of Indians or the members thereof. . The patents aforesaid shall be recorded in the general land office, and afterward delivered free of charge to the allottee entitled thereto. And if any religious society or other organization is now occupying any of the public lands to which this act is applicable, for religious or educational work among the Indians, the secretary of the interior is hereby authorized to confirm such occupation to such society or organization, in quantity not exceeding one hundred and sixty acres in any one tract, so long as the same shall be so occupied, on such terms as he shall deem just; but nothing herein contained shall change or alter any claim of such society for religious or educational purposes heretofore granted by law.

Indians to have
benefit of and to be
subject to laws, when
Section 6 of an
act of congress
approved Feb. 8,
1887.

And hereafter in the employment of Indian police, or any other employees in the public service among any of the Indian tribes or bands affected by this act, and where Indians can perform the duties required, those Indians who have availed themselves of the provisions of this act and become citizens of the United States shall be preferred.

§ [108.] Upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the state or territory in which they may reside; and no territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. And every Indian born within the territorial limits of the United States, to whom allotments shall have been made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States, with

Jurisdiction of territorial courts over Indians committing certain Section 9 of an act of congress approved March 3, 1885.

Territories, etc., shall not subscribe to capital stock of incorporated company. Section 2 of an act of congress approved July 30, 1886

Legislature prohibited from authorizing debt to be contracted in certain cases Section 3 of an act of congress approved July -30, 1886.

Limit of indebtedness of political and municipal porations. Section 4 of an act of congress approved July 30, 1886

ORGANIC LAW.

out in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

[109.] Immediately upon and after the date of the passage of this act [March 3, 1885], all Indians committing against the person or property of another Indian, or other person, any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny, within any territory of the United States, and either within or without any Indian reservation, shall be subject therefor to the laws of such territory, relating to said crimes, and shall be tried therefor in the same courts and in the same manner, and shall be subject to the same penalties as are all other persons charged with the commission of said crimes respectively; and the said courts are hereby given jurisdiction in all such cases; and all such Indians committing any of the above crimes against the person or property of another Indian or other person within the boundaries of any state of the United States, and within the limits of any Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States.

Public Indebtedness.

section.

110. Territory, etc., shall not subscribe to capital stock of incorporated company.
111. Legislature prohibited from authorizing debt to be contracted in certain cases.

Section.

112. Limit of indebtedness of political and municipal corporations.

[110.] No territory of the United States now or hereafter to be organized, or any political or municipal corporation or subdivision of any such territory shall hereafter make any subscription to the capital stock of any incorporated company, or company or association having corporate powers, or in any manner loan its credit to or use it for the benefit of any such company or association, or borrow any money for the use of any such company or association.

[111.] No law of any territorial legislature shall authorize any debt to be contracted by or on behalf of such territory except in the following cases: To meet a casual deficit in the revenues, to pay the interest upon the territorial debt, to suppress insurrections, or to provide for the public defense, except that in addition to any indebtedness created for such purposes, the legislature may authorize a loan for the erection of penal, charitable or educational institutions for such territory, if the total indebtedness of the territory is not thereby made to exceed one per centum upon the assessed value of the taxable property in such territory as shown by the last general assessment for taxation. And nothing in this act shall be construed to prohibit the refunding of any existing indebtedness of such territory or of any political or municipal corporation, county, or other subdivision therein.

§ [112.] No political or municipal corporation, county, or other subdivision in any of the territories of the United States shall ever become indebted in any manner or for any purpose to any amount in the aggregate, including existing indebtedness, not exceeding four per centum on the value of the taxable property, within such corporation, county, or subdivision, to be ascertained by the last assessment for territorial and county taxes

ORGANIC LAW.

previous to the incurring of such indebtedness; and all bonds or obligations in excess of such amount given by such corporation shall be void. That nothing in this act contained shall be so construed as to affect the validity of any act of any territorial legislature heretofore enacted, or of any obligations existing or contracted thereunder, nor to preclude the issuing of bonds already contracted for in pursuance of express provisions of law; nor to prevent any territorial legislature from legalizing the acts of any county, municipal corporation or subdivision of any territory as to any bonds heretofore issued or contracted to be issued.

Private Corporations and Associations.

Section.

- 113. Legislature shall not grant private charters or special privileges, etc.
- 114. Construction of preceding section.
- 115. Power of congress not abridged by act.
- 116. What acts of legislature are null and void.
- 117. Lands of railroad corporation not exempt from taxation, when
- 118. Neglect of railroad corporation to pay costs of surveying, etc.

Section.

- 119. Right of government to enforce forfeiture of lands
- 120. Right of congress to amend or repeal act.
- 121. Limitation on right of religious corporations to hold real estate.
- 122. Religious corporations may hold real property through trustees.
- 123. Incorporation of insurance companies legalized.

Legislatures shall not grant private charters or special privileges, etc
Section 5 of an act of congress approved July 30, 1886.

Construction of preceding section.
Act of congress approved June 8, 1878

§ [113.1 The legislative assemblies of the several territories shall not grant private charters or special privileges, but they may by general incorporation acts permit persons to associate themselves together as bodies corporate for mining, manu facturing, and other industrial pursuits, and for conducting the business of insurance, banks of discount and deposit (but not of issue) loan, trust, and guarantee associations, and for the construction or operation of railroads, wagon roads, irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association.

[114.] The words "the legislative assemblies of the several territories shall not grant private charters or special privileges," in section eighteen hundred and eighty-nine of the revised statutes of the United States, shall not be construed as prohibiting the legislative assemblies of the several territories of the United States from creating towns, cities, or other municipal corporations, and providing for the government of the same, and conferring upon them the corporate powers and privileges, necessary to their local administration, by either general or special acts; and that all general and special acts of such legislative assemblies heretofore passed creating and providing for the .government of towns, cities or other municipal corporations, and conferring such rights, powers and privileges upon the same, as were necessary to their local administration, be, and the same are hereby, ratified and confirmed, and declared to be valid, any law to the contrary notwithstanding, subject, however, to amendment or repeal hereafter by such territorial assemblies. But nothing herein shall have the effect to create any private right, except that of holding and executing municipal offices, or to divest any such right, or to make valid or invalid any contract or obligation heretofore made by or on behalf of any such town, city, or other municipal corporation, or to authorize any such corporation to incur hereafter any debt or obligation other than such as shall be necessary to the administration of its internal affairs.

Act, how construed.

Section 6 of an act of congress approved July 30, 1886.

When acts of legislative assembly are void.

Lands of railroad corporation not exempt from taxation, when.

Section 1 of an act of congress approved July 10, 1886.

Neglect of railroad corporation to pay costs of surveying, etc Section 2 of an act of congress approved July 10, 1886.

Act does not prevent government from enforcing forfeiture of lands, when

Section 3 of an act of congress approved July 10, 1886. Right of conglees amend or repeal act Section 4 of an act of congress approved July 10, 1886.

ORGANIC LAW.

§ [115. j Nothing in this act contained shall be construed to abridge the power of congress to annul any law passed by a territorial legislature, or to modify any existing law of congress requiring in any case that the laws of any territory shall be submitted to congress.

§ [116.] All acts and parts of acts hereafter passed by any territorial legislature in conflict with the provisions of this act shall be null and void.

Section 7 of an act of congress approved July `30, 1846.

§ [117.] No lands granted to any railroad corporation by any act of congress shall be exempt from taxation by states, territories and municipal corporations on account of the lien of the United States upon the same for the costs of surveying, selecting and conveying the same, or because no patent has been issued therefor; but this provision shall not apply to lands unsurveyed; provided, that any such land sold for taxes shall be taken by the purchaser subject to the lien for costs of surveying, selecting and conveying, to be paid in such manner by the purchaser as the secretary of the interior may by rule provide, and to all liens of the United States, all mortgages of the United States, and all rights of the United States, in respect of such lands; provided further, that this act shall apply only to lands situated opposite to and co-terminus with completed portions of said roads, and in organized counties; provided further, that at any sale of lands under the provisions of this act, the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as provided by the laws relating thereto.

[118.] If any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such company or for its use and benefit by act of congress shall for thirty days neglect or refuse to pay any such costs after demand for payment thereof by the secretary of the interior, he shall notify the attorney general, who shall at once commence proceedings to collect the same. But when any sum shall be collected of such railroad company as costs of surveying, selecting, and conveying any tract of land which shall have been purchased under the provisions of section one hereof, the secretary of the interior shall out of such collections reimburse said purchaser, his heirs or assigns, the amount of money paid by him as the costs of such surveying, selecting and conveying.

[119.] This act shall not affect the right of the government to declare or enforcea forfeiture of any lands so granted; but all the rights of the United States to said lands or to any interest therein shall be and remain as if this act had not passed, except as to the lien mentioned in the first section hereof.

[20.] Section twenty-one of chapter two hundred and sixteen, approved July second, eighteenhundred and sixty four, is hereby so amended as that the costs of surveying, selecting and conveying therein required to be paid shall become due and payable at and on the demand therefor made by the secretary of the interior as provided in to section two of this act, and nothing in this act shall be construed or taken in anywise to affect or impair the right of congress at any time hereafter further to alter, amend, or repeal the said act, as in the opinion of congress, justice or the public welfare may require, or to impair or waive any right or remedy in the premises now existing in favor of the United States. This act shall be subject to alteration, amendment or repeal.

ORGANIC LAW.

Limitation on
right of religious
corporations to
sold real estate.

Section 1890,
R. S. U. S. 1874.

Power of religious
societies to cold
real estate.

Section 26 of an
act of congress
approved March
3, 1887.

Incorporation of
insurance comp-
anies legalized.

Act of congress
approved June
30, 1886.

Secretary of war
may issue arms

to territory.

Resolution of
congress ap-
proved July 3,
1876.

Amendment.

Resolution of
congress ap-
proved March :3,
1877

Amendment.

Act of congress
approved May 16,
1878.

[121.] No corporation or association for religious or charitable purposes shall acquire or hold real estate in any territory, during the existence of the territorial government, of a greater value than fifty thousand dollars; and all real estate acquired or held by such corporation or association contrary hereto, shall be forfeited and escheat to the United States; but existing vested rights in real estate shall not be impaired by the provisions of this section.

§ [122.1 All religious societies, sects and congregations shall have the right to have and to hold through trustees appointed by any court exercising probate powers in a territory, only on the nomination of the authorities of such society, sect or congregation, so much real property for the erection or use of houses of worship, and for such parsonages and burial grounds as shall be necessary for the convenience and use of the several congregations of such religious society, sect or congregation.

[123.] All general laws heretofore enacted by the legislative assembly of the territory of Dakota, providing for the incorporation of insurance companies are hereby legalized and made valid, and are declared to have the same force and effect as if the said legislative assembly had had full power and authority to enact the same; and all insurance companies incorporated under said laws and in accordance therewith are hereby declared to have been legally incorporated.

Militia.

Section.

124. Secretary of war may issue arms.

125. Amendment.

126. Amendment.

Section.

127. Secretary of war may issue cartridges.

128. Territory to have credit on ordnance
account.

§ [124.1 The secretary of war is hereby authorized to cause to be issued to the territories, and the states bordering thereon, such arms as he may deem necessary for their protection, not to exceed one thousand to said states each; provided, that such issues shall only be from arms owned by the government, which have been superseded and no longer issued to the army; provided, however, that said arms shall be issued only in the following manner and upon the following conditions, namely: Upon the requisition of the governors of said states or territories, showing the absolute necessity of arms for the protection of the citizens and their property against Indian raids into said states or territories; also that militia companies are regularly organized and under control of the governors of said states or territories, to whom said arms are to be issued, and that said. governor or governors shall give a good and sufficient bond for the return of said arms or the payment of the same at such time as the secretary of war may designate.

§ [125.] The joint resolution approved July third, eighteen hundred and seventy-six, authorizing the secretary of war to issue arms to the territories and the states bordering thereon, be and the same is hereby amended by inserting after the words "each of said territories," the words "and ammunition for the same, not to exceed fifty ball cartridges for each arm."

§ [126.] A joint resolution, approved July third, eighteen hundred and seventy-six, entitled "Joint resolution authorizing the secretary of war to issue arms." be amended as follows: By inserting in the fifth line, after the word "states," and before the word "each," the words "and territories," and by striking out after the word 'each,' in said fifth line, and before the word

Secretary of war

may issue cart
ridges.

Resolution of
congress approved
June 7, 1878.

ORGANIC LAW.

"provided," in sixth line, the words "and not more than five hundred to each of said territories," provided, that the quota to the states now authorized by law shall not hereby be diminished.

[127.] The secretary of war is hereby authorized to cause to be issued to each of the territories of the United States (in addition to arms and ammunition, the issue of which has been heretofore provided for), such arms, not to exceed one thousand in number, as he may deem necessary, and ammunition for the same, not to exceed fifty ball cartridges for each arm; provided, that such issue shall be only from arms owned by the government of the United States which have been superseded and no longer issued to the army; and provided, further, that said arms shall be issued only in the following manner and upon the following conditions, namely: Upon the requisition of the governors of said territories, showing the absolute necessity for arms for the protection of citizens and their property against hostile Indians within, or of Indian raids into such territories; and provided, further, that the said governor or governors of said territories to whom the said arms may be issued, shall give good and sufficient bond or bonds for the return of said arms, or payment therefor, at such time as the secretary of war may designate, as now provided for by law.

Territory to have
credit on ordnance
account.

Act of congress
approved Feb. 28,
1887.

§ [128.] The secretary of war be, and he is hereby directed to cause the territory of Dakota to be credited on its ordnance account with the sum of twenty-seven thousand six hundred and fifty dollars, upon the delivery to the United States, at such place as the secretary of war may direct, of all such arms and other ordnance stores remaining in the custody of said territory, of the issues thereof under said act.

Marriage, Crimes Against the Marriage Relation, etc.

Section.

129. Duty of persons solemnizing marriage-
Penalty for violation of law.
130. Act, how construed.

Section.

131. Adultery-Penalty.
132. Incest-Penalty.
133. Fornication-Penalty.

Duty of persons
solemnizing
marriage-Penalty
for violating
provisions of law.

Section 9 of an
act of congress
approved March 3,
1887.

§ [129.] Every ceremony of marriage, or in the nature of a marriage ceremony, of any kind, in any of the territories of the United States, whether either or both or more of the parties to such ceremony be lawfully competent to be the subjects of such marriage or ceremony or not, shall be certified by a certificate stating the fact and nature of such ceremony, the full names of each of the parties concerned, and the full name of every officer, priest and person, by whatever style or designation called or known, in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony and by every officer, priest and person taking part in the performance of such ceremony, and shall be by the officer, priest or other person solemnizing such marriage or ceremony filed in the office of the probate court, or, if there be none, in the office of court having probate powers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded, and be at all times subject to inspection as other public records. Such certificate, or the record thereof, or a duly certified copy of such record, shall be prima facie evidence of the facts required by this act to be stated therein, in any proceeding, civil or criminal, in which the matter shall be drawn in question. Any person who shall wilfully violate any of the provisions of this section shall be deemed

Act, how construed.

Section 10 of an
act of congress
approved March 3,
1887

Adultery-Penalty.

Act of congress
approved March 3,
1887.

Incest-Penalty.

Sec. 4 of an act
of congress approved
March 3, 1887.

FornicationPenalty

Section 5 of an
act of congress
approved March 3,
1887

Penitentiaries.

Section 1892,
R. S. U. S. 1874.

Rules for their
government

Section 1893,
R. S. U. S. 1874.

Compensation of
marshal, etc., and
of expenses of
subsistence, etc.,
of offenders

Section 1894.
R. S. U. S. 1874.

Imprisonment in
penitentiaries.
Section 1895,
R. S. U. S. 1874.

ORGANIC LAW.

guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not more than one thousand dollars, or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court.

§ [130.] Nothing in this act shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence now legally admissible for that purpose.

§ [131.] Whoever commits adultery shall be punished by imprisonment in the penitentiary not exceeding three years; and when the act is committed between a married woman and a mail who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.

§ [132.] If any person related to another person within and not including the fourth degree of consanguinity computed according to the rules of the civil law, shall marry or cohabit with, or have sexual intercourse with such other so related person knowing her or him to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and on conviction thereof, shall be punished by imprisonment in the penitentiary not less than three years and not more than fifteen years.

[133.] If an unmarried man or woman commit fornication, each of them shall be punished by imprisonment not exceeding six months, or by fine not exceeding one hundred dollars.

United States Prisons.

Section.

134. Penitentiaries under control of United
States marshal.
135. Rules for government of penitentiaries.
136. Compensation of marshal, etc.

Section.

137. Imprisonment in penitentiaries.
138. Legislature may make provision for care
and custody of convicts.

§ [134.] Any penitentiary which has been, or may hereafter be, erected by the United States in an organized territory, shall, when the same is ready for the reception of convicts, be placed under the care and control of the marshal of the United States. for the territory or district in which such penitentiary is situated. except as otherwise provided in the case of the penitentiaries in Montana, Idaho, Wyoming and Colorado.

§ [135.] The attorney general of the United States shall prescribe all needful rules and regulations for the government of such penitentiary, and the marshal having charge thereof shall cause them to be duly and faithfully executed and obeyed, and the reasonable compensation of the marshal and of his deputies for their services under such regulations shall be fixed by the attorney general.

§ [136.] The compensation, as well as the expense incident to the subsistence and employment of offenders against the laws of the United States, who have been, or may hereafter be, sentenced to imprisonment in such penitentiary, shall be chargeable on, and payable out of, the fund for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States; but nothing herein shall be construed to increase the maximum compensation now allowed by law to those officers.

§ [137.] Any person convicted by a court of competent jurisdiction in a territory for a violation of the laws thereof, and sen

ORGANIC LAW.

tenced to imprisonment may, at the cost of such territory, on such terms and conditions as may be prescribed by such rules and regulations, be received, subsisted, and employed in such penitentiary during the term of his imprisonment, in the same manner as if he had been convicted of an offense against the laws of the United States.

Legislature may
make provision for
care and custody
of convicts
Part of an act
of congress approved
June 16, 1880

§ [138.] The legislative assemblies of the several territories of the United States may make such provision for the care and custody of such persons as may be convicted of crime under the laws of such territory as they shall deem proper, and for that purpose may authorize and contract for the care and custody of such convicts in any other territory or state, and provide that such person or persons may be sentenced to confinement accordingly, in such other territory or state, and all existing legislative enactments of any of the territories for that purpose are hereby legalized; provided, that the expense of keeping such prisoners shall be borne by the respective territories, and no part thereof shall be borne by the United States.